## REMARKS

Applicants respectfully submit this Amendment and Response in reply to the Official Action dated June 30, 2008. Applicants submit that the Amendment and Response is fully responsive to the Official Action for at least the reasons set forth herein.

Applicants would like to thank the Examiner for indicating the claims 2, 4, 12, 24, 26, 39, 43 and 50 have allowable subject matter.

Applicants note that the Official Action states that claims 43 and 50 are objected to and would be allowed if rewritten to overcome the 101 rejection in the pending Official Action. However, there is no 101 rejection in the pending Official Action. Additionally, Applicants note that the publication number for Wood is 2002/0057893.

Applicants also note that claims 4, 26 and 50 have been amended to correct a minor typographical error in each claim. Claims 44, 45 and 48 have been cancelled herewith **without** prejudice to the subject matter of the claims being introduced in a related application.

Claims 1, 3, 5-11, 13-23, 25, 31-38, 40-42 and 44-49 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wood (previously cited). Applicants respectfully disagree with the rejection and traverse with at least the following analysis.

In response to Applicants' previous arguments, the Official Action states that Wood teaches a master unit selecting a slave apparatus to record while the master unit is being used to watch and record a live show on another channel since the master unit was already recording a program at the same time, as claimed.

Applicants respectfully disagree with this assertion. Notably, cited section of Wood does not support this conclusion. The Official Action improperly broadens the disclosed teaching of Wood.

While it appears to be true that more than one unit can be connected in Wood, the claimed control is not disclosed. Paragraph 0030 simply teaches that two units can be connected using a FireWire physical layer.

Wood states:

> [t]he ports 154a-b can also be used to connect the digital VCR 10 to another digital VCR. If two digital VCRs are connected to each other via ports 154a-b, the two digital VCRs can recognize each other's presence. One digital VCR recognizes itself as the "master" and is connected to the television 18, and the other digital VCR recognizes itself as the "slave." The "slave" ignores all IR commands intended for the "master." The two digital VCRs present a single unified interface to the user, effectively allowing the user to use the two digital VCRs as if they were a single digital VCR with two tuners and the combined disk space of the two individual digital VCRs.

Paragraph 0030.

Paragraph 0067 suggests that one unit is a master and the other unit is a slave. At Paragraph 0067, Wood discloses that "if two or more digital VCRs are connected to each other (using, e.g., the FireWire subsystem 506), one digital VCR is considered the "master" unit and the other unit is considered the "slave" unit." Wood, paragraph 0067.

Wood only suggests that two shows can be recorded at the same time. Wood provides a hypothetical situation where "the slave unit is recording a live show while the master unit is being used to watch (and also record) a live television show on another channel. If the hard disk drive of the master unit is full, but there is space available on the slave's hard disk drive, then the master unit stores the video stream from its current channel onto the slave's hard disk drive." Id. **Wood however, does not suggest that the master controls the slave to record**.

At best, this section suggests that the master unit can **store** its data on a slave unit. However, a user can **directly** control the slave to record the program using the remote control 22. Additionally, Wood does not specify the manner in which both devices record the program.

Notably, Wood describes that when viewing content that has been pre-recorded externally, such as content recorded on a VHS tape, commands such as fast forward and rewind received from the digital VCR's remote control 22 may be forwarded by the digital VCR 10 to the VCR 15. Alternatively, the remote control 22 can, for example, send commands such as fast forward and rewind directly to the VCR 15. In general, the **user issues all commands using the remote control 22, which either forwards the commands directly to the appropriate devices, or forwards the commands to the digital VCR 10, which in turn forwards the commands to the appropriate devices (Emphasis added)**. See Paragraph 0018.

Furthermore, if it is possible, in Wood, to record a program on the slave unit using the master unit for instruction, such option would have been listed in paragraph 0094. Specifically, Wood discloses that if a program that the user selects to record conflicts in time with another program that is scheduled to be recorded, the digital VCR 10 notifies the user of the conflict using an on-screen display. "The user can then (1) view the channel guide listing for the conflicting show; (2) record the currently-selected show instead of the conflicting show; or (3) cancel recording of the selected show." Paragraph 0094. **Recording the program on the slave unit is not an option**.

Additionally, the Official Action also avers that Wood teaches successively asking the slave apparatus about whether the slave apparatus is capable of recording the program and then instructing the slave apparatus which has sent the response to set the program for a timer program. *See* Paragraph 1.

Applicants respectfully disagree. Wood does not teach or suggest successively polling the slave apparatuses.

Further, the Official Action avers that it is well known in the art that with a master and slave operation communication is made between the two devices to see if and when they are available for recording. This logic is flawed. Firstly, the rejection is based upon 102, anticipation, and not obviousness. The reference does not explicitly or inherently teach the recited limitation. Secondly, the Official Action assumes that the master controls the slave to record a program. At noted above, 0067 does not support this conclusion. Specifically, the Examiner states that "as can be seen from paragraph [0067] this communication has taken place because both the master and the slave are recording programs which **would not have been possible of they had not communicated.**" If there is direct control of the slave unit by the user using the remote control, two recordings are possible, without the communication.

Additionally, using this logic, since there is a communication means, any type of communication and control is disclosed. This is simply not the case. Wood solely suggests sharing storage information and recorded data. Notably, Wood teaches that the playlist is aggregated in the master unit. The master can also store its recorded data in the slave unit.

Accordingly, Applicants submit that independent claims 1, 11, 20, 23, 38, 40, 42, and 49 are patentable over the cited reference; the reference fails to teach each and every limitation of the claims.

Applicants further submit that Wood also fails to disclose the limitation of if the user changes the channel to another channel, controls the slave apparatus which has recorded a program on the other channel at the same time as the former channel to play back the program on the other channel, as recited in claims 31.

G:\NEC\999\15211\amend\15211.am2.doc

Applicants further submits that claim 46 is patentable over Wood; Wood fails to teach partly deleting the program data recorded in the first memory in the past if the program data stored exceeds a predetermined amount, as recited.

Applicants submits that Wood fails to teach the limitation of "if the program data of a program which is highly likely to be played back by a subsequent control action of the user is stored in the first memory of the master apparatus, preparing the master apparatus to read the program data from said first memory and decode the program data with said first decoder, and, if the program data of a program which is highly likely to be played back by a subsequent control action of the user is stored in a slave apparatus, instructing the slave apparatus to prepare said slave apparatus to play back the program", as recited in claims 34, 37, and 47.

Applicants submits that claims 3, 5-10, 13-19, 21, 22, 25, 32, 33, 35, 36, and 41 are patentable over the cited reference based at least upon the above-identified analysis.

Additionally, Applicant submits that claims 3 and 25 are patentable over Wood based at least upon the following additional reasons. Wood fails to teach the limitation of if instructed to start recording a program without setting timer recording therefor, instructing a slave apparatus which has not recorded programs so far and whose period of time up to the recording start time of a first program set for timer recording is the longest, to start recording the program, and wherein each of said slave apparatus has means for, if instructed to start recording a program, immediately starting to record said program, as recited in claims 3 and 25.

Claims 28 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of Blackletter et al., U.S, Patent No. 7,159,232 (hereinafter "Blackletter"). Blackletter is newly cited.

Applicants respectfully disagree with the rejection and traverse with at least the following analysis.

Applicants submit that the cited references, whether taken alone or in any combination thereof fail to teach or suggest a saving controller for transferring the program data selected by the user as program data to be permanently stored from among the program data stored in said temporary memory to said permanent memory; and if the program data stored in said temporary memory exceeds said predetermined amount, as recited. At best, Blackletter teaches discarding program data if there is not enough space to record the current program. However, this does not suggest discarding program data before a new request is entered, i.e., when the stored data is greater than the predetermined amount.

Furthermore, Wood does not teach moving program data from temporary memory to permanent memory. In contrast, in the claimed invention the user can select programs to be stored in permanent memory.

Therefore, claim 28 is patentable over the hypothetical combination of Wood and Blackletter; the combined references fail to teach, suggest or render obvious all of the limitations of the claims.

Claim 29 is patentable at least based upon the above-identified analysis and in view of its dependency from claim 28.

Claim 30 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood, Blackletter and Tanaka.

Applicants respectfully disagree with the rejection and traverse with at least the following analysis.

Applicants respectfully submit that claim 30 is patentable over the cited references based
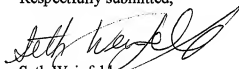
at least upon the above-identified analysis and in view of its dependency from claim 28.

Tanaka fails to cure any of the above-identified deficiencies.

Based upon the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3, 5-11, 13,-23, 25, 31-38, 40-42, 46, 47 and 48 pursuant to 35 U.S.C. § 102(e). Applicants also respectfully request that the Examiner withdrawn the rejection of claims 28-30 pursuant to 35 U.S.C. § 103(a).

In conclusion, the Applicants believe that the above-identified application is in condition for allowance and henceforth respectfully solicit the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicants respectfully request that the Examiner call the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

Seth Weinfeld
Registration No: 50,929

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
516-742-4343

SW:reg